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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,813	01/31/2002	James Armand Baldwin	MS1-1011US	1857

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EXAMINER	
GILLIS, BRIAN J	

ART UNIT	PAPER NUMBER
2141	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/061,813	BALDWIN ET AL.	
	Examiner	Art Unit	
	Brian J. Gillis	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4,9 and 14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4,9 and 14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al (US PGPUB US2002/0059623) in view of Byrne et al (US Patent #5,990,883) in view of Ellis et al (US Patent #5,548,338) in view of Hamilton et al (US Patent #5,799,150).

Claim 4 discloses a method comprising: storing program data for an electronic program guide in multiple tables, each table comprising one or more records with one or more fields and at least two said tables are related such that one said record in one said table indexes another said record in another said table, wherein the records comprise

program records containing programming information, individual program records having a title field to identify a program name; sorting the records in the tables at a head end device according to a selected field type prior to delivery of the program data to a remote client device, wherein the sorting comprises arranging the program records in the tables according to a stopped name version of the program name in the title field and compressing the program records, the values being stored in a code table, wherein the character sequence being substituted is selected based upon a frequency that the character sequence is found within the records; and transmitting the sorted records to the remote client device, wherein the remote client device has designated a data set size for the sorted records to be transmitted to the remote client device. Rodriguez et al teaches storing program data for an EPG in a digital broadband delivery system (DBDS) (paragraphs 21 and 117), presenting program data in a channel-time grid which contains multiple records (paragraph 73), multiple sets of tables which contains multiple data fields (paragraphs 116 and 117), each table corresponding to its respective channel in the channel line-up (paragraph 117), of individual program records having a title field to identify a program name (paragraph 73), and sorting at the head end device by arranging the records according to a stopped name version of the program name in the title field which is kept (paragraph 91). It fails to teach the tables being related such that one record in a table indexes another record in another table, compressing the program records, the values being stored in a code table, wherein the character sequence being substituted is selected based upon a frequency that the character sequence is found within the records, and transmitting the sorted records to the remote

client device, wherein the remote client device has designated a data set size for the sorted records to be transmitted to the remote client device. Byrne et al teaches an EPG, which uses a relational database schema, which allows data from separate tables to be related to each other (column 6, lines 15-50).

Rodriguez et al and Byrne et al are analogous art because they are both related to electronic program guides.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the relational database schema in Byrne et al with the system in Rodriguez et al because flexibility to respond to changes such as additional data and efficiency in allowing rapid display, searching, and other controls are provided (Byrne, column 6, lines 15-24).

Rodriguez et al in view of Byrne et al teach the limitations as recited above. It fails to teach compressing the program records, the values being stored in a code table, wherein the character sequence being substituted is selected based upon a frequency that the character sequence is found within the records and transmitting the sorted records to the remote client device, wherein the client device has designated a data set size for the sorted records to be transmitted to the client device. Ellis et al teaches using Huffman coding to substitute a value for a character string based on the frequency of being used and stores the information in a lookup table (column 5, line 63 - column 6, line 5, and column 6, line 65 - column 8, line 61).

Rodriguez et al in view of Byrne et al and Ellis et al are analogous art because they are both related to electronic program guides.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the compressing feature in Ellis et al with the system in Rodriguez et al in view of Byrne et al because program data may be compressed and be decompressed in environments with only moderate processing power and storage space (Ellis, column 2, lines 32-36).

Rodriguez et al in view of Byrne et al in view of Ellis et al teach the limitations as recited above. It fails to teach transmitting the sorted records to the remote client device, wherein the client device has designated a data set size for the sorted records to be transmitted to the client device. Hamilton et al teaches a client designates a file size for the server to send (column 10, lines 9-15).

Rodriguez et al in view of Byrne et al in view of Ellis et al and Hamilton et al are analogous art because they are both related to a client requesting data from a server.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the client file size designation feature in Hamilton et al with the system in Rodriguez et al in view of Byrne et al in view of Ellis et al because latency is reduced and data loss is prevented (Hamilton, column 3, lines 41-44).

Claim 9 discloses a method for delivering program data for an electronic program guide executing at a remote client, the method comprising: storing program data for an electronic program guide in multiple tables, the tables comprising one or more program tables with records of programming information, the program tables having a title field for program titles, and one said record in one said table indexes another said record in another said table; sorting the records in the program tables at a head end device,

wherein the sorting comprises arranging the records according to stopped name versions of program names in a title field and compressing the records by substituting a value for a character sequence in the records, the values being stored in a code table, wherein the character sequence being substituted is selected based upon a frequency that the character sequence is found within the records; and constructing a data file to hold the tables, wherein a data file size is designated by a client device. Rodriguez et al teaches storing program data for an EPG in a digital broadband delivery system (DBDS) (paragraphs 21 and 117), presenting program data in a channel-time grid which contains multiple records (paragraph 73), multiple sets of tables which contains multiple data fields (paragraphs 116 and 117), each table corresponding to its respective channel in the channel line-up (paragraph 117), of an EPG database which is a data file to hold the sorted tables (paragraph 73), of individual program records having a title field to identify a program name (paragraph 73), and sorting at the head end device by arranging the records according to a stopped name version of the program name in the title field which is kept (paragraph 91). It fails to teach one record in a table indexes another record in another table, compressing the records by substituting a value for a character sequence in the records, the values being stored in a code table, wherein the character sequence being substituted is selected based upon a frequency that the character sequence is found within the records, and the data file size is designated by a client device. Byrne et al teaches an EPG, which uses a relational database schema, which allows data from separate tables to be related to each other (column 6, lines 15-50).

Rodriguez et al and Byrne et al are analogous art because they are both related to electronic program guides.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the relational database schema in Byrne et al with the system in Rodriguez et al because flexibility to respond to changes such as additional data and efficiency in allowing rapid display, searching, and other controls are provided (Byrne, column 6, lines 15-24).

Rodriguez et al in view of Byrne et al teach the limitations as recited above. It fails to teach compressing the records by substituting a value for a character sequence in the records, the values being stored in a code table, wherein the character sequence being substituted is selected based upon a frequency that the character sequence is found within the records and the data file size is designated by the client device. Ellis et al teaches using Huffman coding to substitute a value for a character string based on the frequency of being used and stores the information in a lookup table (column 5, line 63 - column 6, line 5, and column 6, line 65 - column 8, line 61).

Rodriguez et al in view of Byrne et al and Ellis et al are analogous art because they are both related to electronic program guides.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the compressing feature in Ellis et al with the system in Rodriguez et al in view of Byrne et al because program data may be compressed and be decompressed in environments with only moderate processing power and storage space (Ellis, column 2, lines 32-36).

Rodriguez et al in view of Byrne et al in view of Ellis et al teach the limitations as recited above. It fails to teach the data file size is designated by the client device. Hamilton et al teaches a client designates a file size for the server to send (column 10, lines 9-15).

Rodriguez et al in view of Byrne et al in view of Ellis et al and Hamilton et al are analogous art because they are both related to a client requesting data from a server.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the client file size designation feature in Hamilton et al with the system in Rodriguez et al in view of Byrne et al in view of Ellis et al because latency is reduced and data loss is prevented (Hamilton, column 3, lines 41-44).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al (US PGPUB US2002/0059623) in view of Ellis et al (US Patent #5,548,338) in view of Hamilton et al (US Patent #5,799,150).

Claim 14 discloses a computer-readable medium comprising computer-executable instructions that, when executed, direct a computing system to: sort program data for an electronic program guide at a head end device according to stopped names of program titles; compress program data for an electronic program guide at the head end device by substituting a value for a character sequence in the program data, the values being stored in a code table, wherein the character sequence being substituted is selected based upon a frequency that the character sequence is found within the program data; store the program data in a data structure for delivery to a remote client, wherein the data structure size is designated by a client device; and deliver the data

structure to the client device. Rodriguez et al teaches sorting at the head end device by arranging program data according to the title name in the title field storing the program data in an EPG database for delivery to a remote client, and delivering the data structure to the client device (paragraphs 21, 32, 73, 90, and 91). It fails to teach compressing program data for an electronic program guide at the head end device by substituting a value for a character sequence in the program data, the values being stored in a code table, wherein the character sequence being substituted is selected based upon a frequency that the character sequence is found within the program data, sorting the name in the title field as a form of a stopped name version and the data structure size is designated by a client device. The stopped name version of the program name can be interpreted as a version of the title stored in memory available based on display limitations (paragraphs 73 and 91).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to sort the records according to the name in the title field because program data sets are able to be coalesce into one and to organize it into a format suitable for reception and interpretation by the EPG application running on the digital home communication terminal (Rodriguez, paragraph 21).

Rodriguez et al teaches the limitations as recited above. It fails to teach compressing program data for an electronic program guide at the head end device by substituting a value for a character sequence in the program data, the values being stored in a code table, wherein the character sequence being substituted is selected based upon a frequency that the character sequence is found within the program data

and the data structure size is designated by a client device. Ellis et al teaches using Huffman coding to substitute a value for a character string based on the frequency of being used and stores the information in a lookup table (column 5, line 63 - column 6, line 5, and column 6, line 65 - column 8, line 61).

Rodriguez et al and Ellis et al are analogous art because they are both related to electronic program guides.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the compressing feature in Ellis et al with the system in Rodriguez et al because program data may be compressed and be decompressed in environments with only moderate processing power and storage space (Ellis, column 2, lines 32-36).

Rodriguez et al in view of Ellis et al teach the limitations as recited above. It fails to teach the data structure size is designated by a client device. Hamilton et al teaches a client designates a file size for the server to send (column 10, lines 9-15).

Rodriguez et al in view of Ellis et al and Hamilton et al are analogous art because they are both related to a client requesting data from a server.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the client file size designation feature in Hamilton et al with the system in Rodriguez et al in view of Ellis et al because latency is reduced and data loss is prevented (Hamilton, column 3, lines 41-44).

Response to Arguments

Applicant's arguments with respect to claims 4, 9, and 14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Gillis whose telephone number is (571)272-7952. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian J Gillis
Examiner
Art Unit 2141

/B. J. G./
Examiner, Art Unit 2141
6/26/2008

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145